

DYNAMAC
CORPORATION
Environmental Services

111 North Canal Street
Suite 135
Chicago, IL 60606

Telephone: (312) 466-0222
Fax: (312) 466-0266

HAND DELIVERY

October 1, 1996

Ms. Deena Sheppard
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604



Re: EPA Contract No. 68-W4-0015
Work Assignment No. C05013
Powell Road Site Landfill Site
PRPs Interested in De Minimis Settlements

Dear Ms. Sheppard:

Per your request, enclosed are copies of response letters received from nine Powell Road Landfill Site Potentially Responsible Parties. These responses indicate an interest by these PRPs in a de minimis settlement for response costs at the Powell Road Landfill Site. The preliminary list of PRPs indicating an interest in a de minimis settlement is as follows:

- 1) ABF Freight System, Inc. /Arkansas Best Corporation (2 letters);
- 2) Condor Painting Inc.
- 3) Dayton Plastics, Inc.;
- 5) Department of Veterans Affairs;
- 6) GTE Telephone Operations, Inc;
- 7) Frank Messer & Sons Construction Co;
- 8) Schriber Sheet Metal Company and;
- 9) Tobias Sheet Metal Company

Dynamac anticipates that additional names will be added to this list, as more PRP responses are received and reviewed.

Deena Sheppard

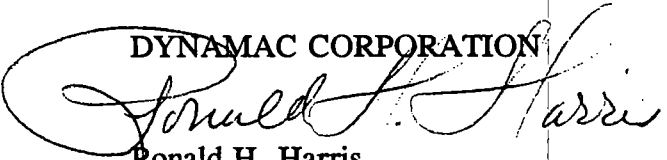
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As you have directed, Dynamac will deliver copies of these letters to Ms. Barbara Clark, at the Office of the Regional Counsel.

If you have any questions, please contact me or Robin Griffin at (312) 466-0222.

Sincerely,

DYNAMAC CORPORATION



Ronald H. Harris

Work Assignment Manager

cc: Joseph Weslock, Program Manager

September 12, 1996

ARKANSAS BEST
CORPORATION

VIA AIRBORNE

RICHARD L. SPEARMAN
CORPORATE ATTORNEY

Ms. Kathleen Martwick
Assistant Regional Counsel
US Environmental Protection Agency
77 West Jackson CM-29A
Chicago, IL 60604

Re: Powell Road Landfill
Dayton, Montgomery County, Ohio

Dear Ms. Martwick:

ABF Freight System, Inc. ("ABF") is a wholly owned subsidiary of Arkansas Best Corporation.

ABF is in receipt of your August 19, 1996 letter. Please be advised that ABF would be interested in a de minimis settlement.

All future correspondence regarding this Site should be addressed to:

Richard L. Spearman, Corporate Attorney
Arkansas Best Corporation
3801 Old Greenwood Road
Fort Smith, AR 72903

Thank you for your attention to this matter.

Sincerely,



Pamela S. Moreton
Paralegal

cc: Mr. Tim Magoto
ABF 064

9/25/96

ARKANSAS BEST
CORPORATION

RICHARD L. SPEARMAN
CORPORATE ATTORNEY

DIRECT DIAL NUMBER
(501) 785-6204

Cathleen R. Martwick, Esq.
Assistant Regional Counsel
Office of Regional Counsel
USEPA
77 W. Jackson CM-29A
Chicago, IL 60604

Re: Response to Request for Information Pursuant to Section 104(e) of CERCLA
for the Powell Road Landfill in Huber Heights, OH

Dear Ms. Martwick:

Please accept this letter as the preliminary response of ABF Freight System, Inc. ("ABF") to the EPA's Section 104(e) Request for Information dated August 19, 1996. ABF is a wholly owned subsidiary of Arkansas Best Corporation ("ABC"). Please note that we are continuing to investigate ABF's involvement at the site. In the event EPA and ABF cannot reach a de minimus settlement, ABF will provide the additional information to the extent it is available.

1. Richard L. Spearman, Esq.
Corporate Attorney
Arkansas Best Corporation
3801 Old Greenwood Road
Fort Smith, AR 72903

Employee of ABC since July 14, 1994.

2. (a) ABC Legal Department file on this matter.

(b) Respondent was contacted by Terri A. Czajka of Ice, Miller, Donadio & Ryan on behalf of the PRP group. The group's consultant, Peterson Consulting, provided documentation (in the form of copies of dump tickets and receipts) allegedly linking ABF to the site.
3. Unknown at this time; investigation is continuing.

Cathleen R. Martwick, Esq.

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4. The EPA identification number for the terminal located at 8101 Terminal Place, Dayton, OH, is OHD074695776.
5. ABF has no direct knowledge of any acts or omissions of any person who caused the release or threat of release of hazardous substances, pollutants or contaminants. However, ABF understands that several other entities have been named as Potentially Responsible Parties at this site.
6. ABF acquired East Texas Motor Freight ("ETMF") in 1982. In 1982, ETMF leased a terminal at 1771 Stanley Avenue, Dayton, Montgomery County, OH. The property owner was Stanley Terminals, Inc., 309 Elm Street, Cincinnati, OH 45202.

ABF occupied a terminal at 1799 Stanley Avenue, Dayton, Montgomery County, OH, from approximately 1956 - 1970. The owner is unknown at this time.

ABF occupied a terminal at 8101 Terminal Place in Dayton, Montgomery County, OH, from approximately 1970 to December, 1985. The owner is Transport Realty, Inc.
7. ABF denies that it has generated, transported, treated, disposed of or handled any hazardous substances as it relates to this site.
8. Unknown at this time; investigation is continuing.
9. Unknown.
10. Between 1981 and 1984, SCA and Container Services transported 2,460 yards of waste volume for a total of 82 transactions for which ABF was identified as the customer. The content of the waste is unknown at this time, and it is unknown at this time whether the trash contained hazardous substances. ABF is continuing its investigation. See Exhibit No. 1.
11. This is under review. As more information becomes available, this response will be supplemented, if necessary.
12. This information is being assembled and will be provided at a later date, if necessary.

Cathleen R. Martwick, Esq.

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13. (a) See Exhibit No. 2.
- (b) This matter is under review and, as more information becomes available, this response will be supplemented, if necessary.
- (c) ABF Freight System, Inc., is a wholly owned subsidiary of Arkansas Best Corporation.
- (d) ABF Freight System, Inc., is a wholly owned subsidiary of Arkansas Best Corporation. ABF Freight System (B.C.) Ltd. is the sole subsidiary of ABF Freight System, Inc.
14. Not applicable.
15. Not applicable.
16. Not applicable.
17. Richard L. Spearman, Esq.
Corporate Attorney
Arkansas Best Corporation
3801 Old Greenwood Road
Fort Smith, AR 72903
Telephone: 1/501/785-6204
Telecopier: 1/501/785-6003

Should you have any questions or need any further information, please do not hesitate to contact me.

Sincerely,



Pamela S. Moreton
Paralegal

Condor Painting Inc.

6320 RIP RAP ROAD
P.O. BOX 24393
DAYTON, OHIO 45424
PH. (513) 237-7113

September 13, 1996

Cathleen R. Martwick
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA
77 West Jackson CM-29A
Chicago, IL 60604

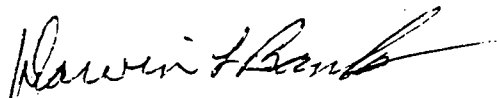
MS. Martwick:

We are in receipt of your request for information regarding the Powell Road Landfill in Huber Heights, Ohio and are in the process of trying to gather the information you requested. At this time, we are unable to completely answer the questions you asked. However, we are interested in pursuing a de minimis settlement and ask that you provide us with any and all further information regarding this matter including our proposed settlement amount.

If you need anything further, please contact this office.

Sincerely,

CONDOR PAINTING, INC.



Darvin L. Banks
President

DAYTON PLASTICS, INC.

SUITE 36-5000

216/589-4000

200 PUBLIC SQUARE

216/589-4200 FACSIMILE

CLEVELAND, OHIO 44114-2304

September 11, 1996

Ms. Cathleen R. Martwick
Assistant Regional Counsel
Office of Regional Counsel
US EPA
77 West Jackson CM-29A
Chicago, Illinois 60604

RE: Powell Road Landfill
Haber Heights, Ohio

Dear Ms. Martwick:

As I mentioned on the phone, the list of de minimus PRPs at the above site, as referenced in your August 19, 1996 letter concerning a possible de minimus settlement, was missing from the materials received by Dayton Plastics. Pending our receipt of that list, and our continuing investigation into what, if any, Dayton Plastics wastes may have ended up at the above site, we are writing to advise you of Dayton Plastics' tentative interest in future negotiations toward a de minimus settlement.

We wish to note at the outset that Dayton Plastics' principal business was and continues to be the distribution of plastic sheets, tubes and rods manufactured by others. As such to the best of our knowledge, Dayton Plastics did not generate any hazardous wastes.

Yours truly,



Richard E. Hahn
Senior Associate Counsel

REH:cad

**DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF REGIONAL COUNSEL
1240 E. Ninth St., Room 1225
Cleveland, OH 44199
216/522-4870
(Fax) 216/522-2483**

September 10, 1996

In Reply Refer to: 325/02

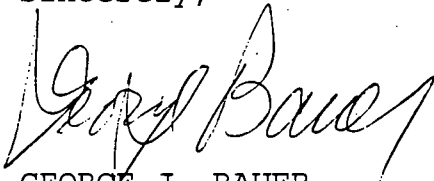
Cathleen R. Martwick
Assistant Regional Counsel
U.S. Environmental Protection Agency
77 W. Jackson CM-29A
Chicago, IL 60604

SUBJ: Powell Road Landfill

The Dayton VA Medical Center informed our office of your August 19, 1996 letter, with interrogatories. The facility is developing the requested information, and expects to provide a timely response. However, the Department of Justice has directed VA to coordinate its activities in this case with another involved federal agency, the U.S. Air Force.

Please accept this letter as informal acknowledgement of preliminary interest on the part of Veterans Affairs in participation in potential "de minimus" resolution. Should any questions arise, please contact me at (216) 522-4870.

Sincerely,



GEORGE J. BAUER
Attorney

cc:

Robin Juni
Environmental Defense Section
U.S. Department of Justice
P.O. Box 23986
Washington, D.C. 20026-3986



GTE Telephone Operations
19845 U S 31 North
P O Box 407
Westfield, IN 46074
Phone: 317/896-6464
Fax: 317/896-6277

September 10, 1996

Cathleen R. Martwick
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA
77 West Jackson CM-29A
Chicago, IL 60604

Dear Ms. Martwick:

Per our telephone conversation today, you verbally extended the deadline to October 3, 1996, for GTE's (General Telephone) responses to the 104 (e) request for the Powell Road Landfill in Huber Heights, Ohio.

GTE is also expressing an interest to participate in a de minimis settlement at this site.

You may call me at 317-896-6605 with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Stone".

Mary Ann Stone
Administrator/Environmental
Compliance

cc: J. R. Stewart - GTE Legal - Marion, OH
D. York - GTE Corporation, Stamford, CT

TAFT, STETTINIUS & HOLLISTER

1800 STAR BANK CENTER

425 WALNUT STREET

CINCINNATI, OHIO 45202-3957

513-381-2838

FAX: 513-381-0205

COLUMBUS, OHIO OFFICE
TWELFTH FLOOR
21 EAST STATE STREET
COLUMBUS, OHIO 43215-4221
614-221-2838
FAX: 614-221-2007

NORTHERN KENTUCKY OFFICE
THOMAS MORE CENTRE
2670 CHANCELLOR DRIVE
CRESTVIEW HILLS, KENTUCKY 41017-3491
606-331-2838
513-381-2838
FAX: 513-381-6813

WRITER'S DIRECT LINE:

513-357-9389

CLEVELAND, OHIO OFFICE
SIXTH FLOOR
BOND COURT BUILDING
1300 EAST NINTH STREET
CLEVELAND, OHIO 44114-1503
216-241-2838
FAX: 216-241-2837

September 10, 1996

BY TELECOPY AND U.S. MAIL

Cathleen R. Martwick, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson CM 29A
Chicago, IL 60604

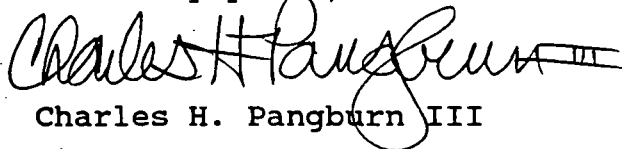
Re: Powell Road Landfill Site, Huber Heights, Ohio

Dear Ms. Martwick:

I am responding on behalf of Frank Messer & Sons Construction Co. ("Messer") to the U.S. Environmental Protection Agency's letter of August 19, 1996 regarding a possible de minimis settlement at the above-referenced site. Messer has authorized me to inform you that it is interested in participating in future negotiations regarding a possible de minimis settlement, although it currently is unaware of any basis for its alleged liability at the site. Messer's interest in participating in future negotiations should not be viewed as an admission of liability, and the company expressly reserves the right to raise any and all defenses in the future.

Please call me if you have any questions regarding this matter. I would appreciate your directing all future correspondence regarding the Powell Road Landfill to me.

Sincerely yours,


Charles H. Pangburn III

CHP/smk
090907.MAT

KENNETH L. SCHRIBER

ATTORNEY AT LAW
979 SOUTH PERRY STREET
SUITE 100
DAYTON, OHIO 45402-2526

(513) 228-8156
(800) 228-3788
(513) 228-2522 TELEFAX

September 09, 1996

Ms. Cathleen R. Martwick
Assistant Regional Counsel
Office of Regional Counsel
U.S.E.P.A.
77 West Jackson Street CM-29A
Chicago, Illinois 60604

SUBJECT: Powell Road Landfill
Huber Heights, Ohio
Schriber Sheet Metal Company
Dayton, Ohio

Dear Ms. Martwick:

We received your Request for Information on August 23, 1996 relative to the above site.

Due to the broad scope of the questions and information required and given the age of the records requested (11 to 37 years old) we will need until November 23, 1996 to do an adequate job of investigating the Company's records, personel as well as the EPA records involved.

We are a small company with three (3) administrative and clerical personel.

Our records generally go back to about 1982 but, through a thorough search of our archives we may find records that go back before that time that may be considered relevant to this matter.

Accordingly, kindly favor us with the extension requested as soon as possible.

In addition, we are requesting further information regarding the de minimis settlements being offered by the EPA on this site.

We believe at this time that our records will generally show that any debris deposited at this site by our firm will be considered inert desirable landfill materials such as roofing gravel.

Respectfully,

A handwritten signature in black ink, appearing to read 'K. Schriber', followed by a horizontal line.

Kenneth L. Schriber
General Counsel

KLS:van

Robert B. Womsley
John C. Lombard
Donald S. Pretekin
Roger J. Makley
Ronald J. Gruenberg
Jeffrey A. Melnick
Merle F. Wilberding
Hugh E. Wall III
Robert P. Bartlett, Jr.
Glenn L. Bower
Stephen Herbert
John A. Cumming
Fred A. Ungerman, Jr.
R. Scott Blackburn
Richard A. Schwartz
Sam Warwar
Ferdinand L. Fague
Timothy D. Hoffman
John C. Chambers
Douglas M. Ventura
Janice M. Paulus
Laura G. Harrelson
Thomas M. Hanna
Barbara L. Sager
Francis A. Kovacs, Jr.
Randolph J. Bernard
Jeffrey A. Mullins
David N. Reed
Kevin D. Walsh
David E. Ball
M. Shannon Place
Lance A. Gildner
Nicholas E. Davis, Jr.
Eddie E. Crump
David W. Reid
Jeanie M. Elmlinger
Kristin A. Finch

J. Bradford Coolidge
1888-1965

Retired
Hugh E. Wall, Jr.

COOLIDGE
WALL
WOMSLEY &
LOMBARD

A Legal Professional
Association

Suite 600
33 West First Street
Dayton, Ohio 45402-1289
513-223-8177
Telecopier: 513-223-6705
Direct Dial Number

(513) 449-5540

September 19, 1996

Cathleen R. Martwick, Esq.
Assistant Regional Counsel
Office of Regional Counsel, U.S. EPA
77 West Jackson Street CM-29A
Chicago, Illinois 60604

RE: Tobias Sheet Metal Co./Request for Information Pursuant to Section 104(e) of CERCLA
for the Powell Road Landfill in Huber Heights, Ohio

Dear Ms. Martwick:

Our firm represents Tobias Sheet Metal Co. ("Tobias") in connection with the above referenced matter. We have discussed this matter with the appropriate parties at Tobias. Tobias has reviewed its business records with respect to locating any information that would be responsive to your inquiries authorized by 104(e) of CERCLA. As I am sure you are aware, Section 104(e) of CERCLA authorizes U.S. EPA to collect three types of information. That information includes the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a facility or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at a facility and information as to the ability of a person to pay for or perform a clean up. Your requests certainly go beyond that which is authorized by Section 104(e) of CERCLA. Tobias has limited its research to the type of information specifically referred to in Section 104(e).

Tobias has been unable to find any additional information which would lead it to believe that it transported or generated hazardous substances or pollutants or contaminants which were disposed of at the Powell Road landfill. Tobias understands that U.S. EPA and/or Waste Management may have information relating to materials that were disposed of at the Powell Road landfill from Tobias. Tobias is interested in participating in *de minimis* settlement discussions. Tobias would appreciate any information the U.S. EPA has that is specific to Tobias and any potential connection to the Powell Road landfill.

The U.S. EPA guidance document issued in 1988 (*Guidance on Use and Enforcement of CERCLA Information Requests and Administrative Subpoenas*) indicates that information relating to the ability to pay for, or perform, a cleanup be asked where financial viability is or will be an issue. Due to the fact that it appears Tobias has been identified as a *de minimis* party, the issue

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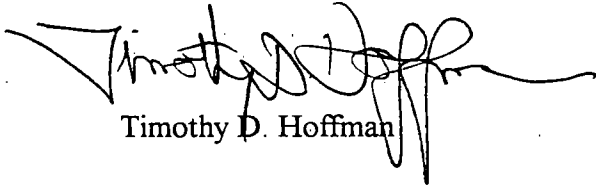
Cathleen R. Martwick, Esq.
September 19, 1996
Page 2

of financial viability has not yet arisen. That guidance document also cautions against asking a party to construe the coverage of its insurance policies which might prejudice that party's pursuit of a claim against its insurance carriers at a later date. Your question concerning insurance requires such a construction that might ultimately be prejudicial. Tobias has carried a variety of general liability and other insurance policies and at such time as financial viability becomes an issue, Tobias will be happy to supply you with that information. Tobias will also be happy to supply other financial information at such time as financial viability becomes an issue.

I would appreciate any specific information you may have that connects the disposal of hazardous substances, pollutants or contaminants at the Powell Road Landfill from Tobias. I would appreciate your prompt response concerning information specific to Tobias.

Thank you very much.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy D. Hoffman", with a long horizontal flourish extending to the right.

Timothy D. Hoffman

TDH:msj